

**REMARKS**

It should be noted that the fact that February 16, 2009, fell on President's Day, a federal holiday, ensures that this paper is timely filed on February 17, 2009, the next business day.

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. Claims 1-20 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 10, and 19 are independent claims; the remaining claims are dependent claims. Claims 1-20 stand finally rejected. The Office is respectfully requested to reconsider the rejections present in the outstanding Office Action in light of the forgoing amendments and the following remarks.

It should be noted that Applicants are not conceding in this application the claims amended and cancelled herein are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicants specifically state no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended or cancelled claim.

Applicants incorporate their remarks submitted on January 16, 2009, here, as they remain equally applicable.

**Rejections under 35 USC § 112**

Claims 1, 10 and 19 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to point out and particularly claim the subject matter which applicant regards as the invention. Applicants acknowledge that the Examiner has withdrawn these rejections as per the Advisory Action of December 31, 2008. Applicants respectfully submit that the claims presented herein are also in full compliance with the requirements of 35 USC § 112.

**Rejections under 35 USC § 102**

Claims 1-20 stand rejected under 35 USC § 102(b) as being anticipated by Vegas (Vegas 2.0 Users Manual, 2000, Sonic Foundry, pgs 1-4111) (hereinafter “Vegas”). Applicants respectfully request reconsideration and withdrawal of this rejection.

Applicants respectfully submit that Vegas is editing software and does not teach annotation. Applicants respectfully submit that these are not equivalents. The Examiner appears to treat “transitions” as equivalent to “a semantic label from a predefined set of multimedia content descriptors”. *Final Office Action*, pp. 3. The Examiner asserts that “...by editing (cropping, cutting, pasting, deleting) the videos are annotated because you are adding layered data to the original video/audio objects so that you can create an edited or NEW modified video/audio data.” *Advisory Action*, pp. 3 (Dec. 31, 2008).

Applicants respectfully disagree and submit that “layer data” does not amount to a semantic, multimedia content-based labels, nor can a new and/or edited audio/video product amount to a semantic, multimedia content-based label (annotated) audio/video product, as per the claims.

Nonetheless, Applicants have amended the independent claims herein solely in an effort to facilitate expeditious prosecution of this case. For example, claim 1 recites, *inter alia*, “...wherein annotating observations comprises *noting significant observations in a keyword text box...*” Claim 1 (emphasis added). Applicants respectfully submit that this is clearly not the equivalent of “layered data” or “transitions”, as taught in Vegas. The remaining independent claims contain similar limitations. Support for these claim amendments can be found throughout the specification, particularly at pp. 5, lines 12-13.

In summary, Applicants respectfully submit that the independent claims are clearly distinguishable from Vegas. Therefore, Applicants respectfully request reconsideration and withdrawal of these rejections.

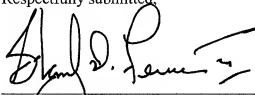
#### **Newly Added Claim**

Applicants briefly note that they have cancelled claim 20 and added new claim 21, which depends from claim 1. Support for this claim can be found throughout the specification, particularly at pp. 6, lines 4-11. Applicants respectfully submit that Vegas fails to teach or suggest every limitation of this claim and it is therefore in condition for allowance.

**Conclusion**

In summary, it is respectfully submitted that the instant application, including Claims 1-19 and 21, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", is written over a horizontal line.

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